

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARY E. RALSTON,

Plaintiff,

vs.

Civil Case No.

09-cv-14790

MICHAEL J. ASTRUE,
Commissioner of Social Security,

HON. MARK A. GOLDSMITH

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION AND GRANTING
PLAINTIFF'S MOTION FOR ATTORNEY FEES (DKT. 37)**

This matter is presently before the Court on the Report and Recommendation ("R&R") of Magistrate Judge Laurie J. Michelson, entered on August 30, 2011 (Dkt. 42). The Magistrate Judge recommends that the Court grant Plaintiff's motion for award of attorney fees (Dkt. 37) in the amount of \$7563.50, to be paid directly to Plaintiff's counsel. Defendant has not filed objections to the R&R and the time to do so has expired. Thus, Defendant has waived any further right to appeal. Thomas v. Arn, 474 U.S. 140, 155 (1985). The Magistrate Judge found in the R&R that the Defendant agency was not substantially justified in denying Plaintiff's application for Disability Insurance Benefits and Supplemental Security Income, given that the ALJ failed to consider and/or discuss significant evidence bearing on Plaintiff's disability. Further, the Magistrate Judge found that Plaintiff's hourly rate for calculating attorney fees is reasonable. The Court has reviewed the R&R and finds that the Magistrate Judge has reached the correct result for the correct reasons.

Accordingly, the Magistrate Judge's R&R is accepted and adopted as the findings and conclusions of the Court. Plaintiff's motion for attorney fees (Dkt. 37) is granted in the amount of \$7563.50 and is to be paid directly to Plaintiff's Counsel.

SO ORDERED.

Dated: February 14, 2012
Flint, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on February 14, 2012.

s/Deborah J. Goltz
DEBORAH J. GOLTZ
Case Manager